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Attorneys for Plaintiff and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

RASHID HUNTER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MEDTRONIC, INC., MEDTRONIC
INTERNATIONAL TECHNOLOGY,
INC. formerly known as MEDTRONIC
PUERTO RICO, INC., and
MEDTRONIC PUERTO RICO
OPERATIONS CO.,

Defendants.

Case No. 07-6474-BZ

**ADMINISTRATIVE MOTION
TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

The Honorable William H. Alsup

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

Pursuant to Local Rule 3-12, Plaintiff Rashid Hunter respectfully submits this
administrative motion to consider whether a case filed in this District, *Hunter, et al. v. Medtronic,
Inc., et al.*, Case No. 07-6474 (BZ), filed December 26, 2007, should be related to *Baque v.*

1 *Medtronic, Inc.*, Case No. 07-5352 (WHA), filed on October 19, 2007. *Baque* is assigned to the
2 Honorable William H. Alsup. Another related case, *West v. Medtronic, Inc., et al*, Case No. 07-
3 5697 (WHA), filed on November 8, 2007, was reassigned to the Honorable William H. Alsup on
4 January 14, 2008. A copy of the Reassignment Order is attached hereto as Exhibit A.
5 Defendants have no objection to this motion.

6 Pursuant to Local Rule 3-12(d)(2), these cases should be deemed as related. The
7 *Hunter*, the *Baque* and the *West* actions allege many of the same facts and assert that the common
8 Defendant, Medtronic, Inc., negligently and wrongfully marketed Sprint Fidelis defibrillator leads
9 to be used in connection with implantable cardioverter defibrillators in Plaintiffs' hearts. Each of
10 these cases assert nearly identical facts and legal theories that arise out of the development,
11 manufacture and sale of the same devices. It is clear that each of these cases should be treated as
12 related.

13 Further, Plaintiff in *Baque* has moved that these and other Sprint Fidelis lead cases
14 be centralized by the Judicial Panel on Multidistrict Litigation in the matter of *In re: Medtronic*
15 *Sprint Fidelis Leads Products Liability Litigation*, MDL Docket No. 1905. Plaintiff in *Hunter*
16 subsequently filed a response supporting centralization of these cases. The matter is scheduled
17 for hearing on January 30, 2008, before the Judicial Panel.

18 All of above listed actions allege that Defendants improperly developed, designed,
19 manufactured and marketed the Sprint Fidelis leads, which fracture as a result of stress after they
20 have been implanted in the cardiac patients' hearts for a period of time. It is asserted in each
21 action that Defendants have subjected plaintiffs to the same illegal conduct.

22 Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an unduly
23 burdensome duplication of labor and expense or the possibility of conflicting results if the cases
24 are conducted before different Judges.

1 Therefore, Plaintiffs seek that this Court determine that *Hunter* is related to *Baque*
2 and *West* in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings and
3 conserve the resources of the parties, their counsel, and the judiciary.

4
5 Respectfully submitted,

6 Dated: January 16, 2008

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

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8 By: /s/ Elizabeth J. Cabraser
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EXHIBIT A

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.2000

January 14, 2008

CASE NUMBER: CV 07-05697 MEJ

CASE TITLE: WILLIE WEST-v-MEDTRONIC INC.

REASSIGNMENT ORDER

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the **San Francisco** division.

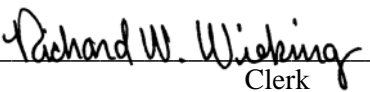
Honorable WILLIAM H. ALSUP for all further proceedings.

Counsel are instructed that all future filings shall bear the initials **WHA** immediately after the case number.

ALL MATTERS PRESENTLY SCHEDULED FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED.

Date: 1/14/08

FOR THE EXECUTIVE COMMITTEE:


Clerk

NEW CASE FILE CLERK:

Copies to: Courtroom Deputies
Log Book Noted

Special Projects
Entered in Computer 1/14/08AS

CASE SYSTEMS ADMINISTRATOR:

Copies to: All Counsel

Transferor CSA